

# HOUSE BILL No. 1626

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-14.

**Synopsis:** Preservation of evidence following a conviction. Requires a law enforcement agency or a laboratory to preserve and maintain all evidence used in a criminal proceeding after a person is convicted and committed to a facility operated by the department of correction.

**Effective:** July 1, 2001.

**Welch**

January 17, 2001, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1626

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-2-14 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]:

4 **Chapter 14. Preservation of Evidence**

5 **Sec. 1. (a) If a person is convicted of a crime and committed to**  
6 **the department of correction, the law enforcement agency (as**  
7 **defined in IC 27-2-19-3) responsible for collection of evidence in**  
8 **the convicted person's case shall:**

9 (1) **document all physical evidence that was gathered by the**  
10 **law enforcement agency or a cooperating law enforcement**  
11 **agency as part of the investigation;**

12 (2) **document all physical evidence that was submitted to an**  
13 **office, a department, an agency, or a laboratory for forensic**  
14 **analysis; and**

15 (3) **keep the documentation until the convicted person is**  
16 **discharged (as defined in IC 11-8-1-8).**

17 **(b) The law enforcement agency shall submit the documentation**

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described in subsection (a) to:

- (1) all cooperating law enforcement agencies that assisted in gathering or preserving the evidence used in the case;
- (2) the prosecuting attorney in the county in which the case was prosecuted;
- (3) a special prosecutor, if a special prosecutor was appointed;
- (4) the court in which the person was convicted and sentenced;
- (5) an office, a department, an agency, or a laboratory that conducted forensic analysis; and
- (6) any other person, group, association, department, agency, or entity where evidence was gathered, submitted, held, released, or transferred during the investigation or the trial.

(c) Except as provided in section 2 of this chapter, the law enforcement agency responsible for the collection of evidence in the case must preserve and maintain all evidence until the convicted person is discharged.

Sec. 2. (a) An office, a department, an agency, or a laboratory that receives physical evidence for forensic analysis as part of the investigation or prosecution of the convicted person shall:

- (1) document all evidence received for analysis;
- (2) document the type of analysis conducted on each item of evidence; and
- (3) preserve and maintain:
  - (A) all items, kits, swabs, materials, substances, tissue, bone, or other matter submitted for analysis; and
  - (B) all extractions, stains, fluids, materials, or sample results used during analysis;
 that remain in the care, custody, or control of the entity following the trial.

(b) The office, department, agency, or laboratory shall preserve and maintain the evidence described in subsection (a) until the convicted person is discharged (as defined in IC 11-8-1-8).

Sec. 3. (a) The department of correction shall notify the law enforcement agency responsible for maintaining and preserving evidence under section 1 of this chapter when the convicted person is discharged (as defined in IC 11-8-1-8).

(b) The law enforcement agency responsible for maintaining and preserving evidence under section 1 of this chapter shall notify an entity described in section 2 of this chapter when the convicted person is discharged.



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